

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT DYKES,

Plaintiff,

Case No.13-13812

v.

Hon. John Corbett O'Meara
Magistrate Judge Patricia T. Morris

LEE McROBERTS, *et al.*,

Defendants.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Before the court is Magistrate Judge Patricia T. Morris's report and recommendation. Magistrate Judge Morris recommends that the court grant Defendants' motion for summary judgment and deny Plaintiff's motions for default and summary judgment. Plaintiff has filed objections to the report and recommendation, to which Defendants have responded.

With respect to reports and recommendations from magistrate judges, this court "shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(C). The court "may accept, reject or modify, in whole or in part, the findings or recommendations made by the magistrate." *Id.*

Magistrate Judge Morris found that Plaintiff's First Amendment retaliation claim should be dismissed because he did not demonstrate that he suffered an adverse action as a result of protected conduct. The magistrate judge further recommended that Plaintiff's equal protection claim should be dismissed because Plaintiff failed to exhaust his administrative remedies. Having reviewed the underlying papers and Plaintiff's objections, the court agrees with the magistrate judge's reasoning and recommendation.

Accordingly, IT IS HEREBY ORDERED that Magistrate Judge Patricia T. Morris's November 5, 2015 report and recommendation is ADOPTED.

IT IS FURTHER ORDERED that Defendants' motion for summary judgment (Docket No. 30) is GRANTED, Plaintiff's motion for default judgment (Docket No. 32) is DENIED, Plaintiff's motion for summary judgment (Docket No. 34) is DENIED, and Plaintiff's objection to the court's order requiring a response (Docket No. 32) is DENIED.

s/John Corbett O'Meara
United States District Judge

Date: January 29, 2016

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, January 29, 2016, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager